

REMARKS

Favorable reconsideration of this application in view of the foregoing amendments and remarks to follow is respectfully requested. Since the present amendment raises no new issues, and in any event, places the application in better condition for consideration on appeal, entry thereof is respectfully requested.

Before addressing the specific grounds of rejection raised in the outstanding Office Action, applicants have amended Claims 1 and 9 in the manner indicated supra. Specifically, Claims 1 and 9 have been amended to positively recite that each outer well region of the claimed structure *has an upper surface which includes a source/drain region*. Support for this amendment to Claims 1 and 9 is found throughout the originally filed application. See, for example, FIGS. 1C and 1D as well as paragraph 0075 of the originally filed application. No further amendments to the claims have been made.

Applicants respectfully submit that the above amendments to the claims should be entered since the amendments place all of the claims of the present application in condition for allowance.

Claims 1-3, 5-9 and 11-14 stand rejected under 35 U.S.C. § 102 (e) as allegedly anticipated by U.S. Patent No. 7,053,465 to Benaissa et al. ("Benaissa et al.").

Concerning the anticipation rejection, it is axiomatic that anticipation under § 102 requires that the prior art reference disclose each and every element of the claim to which it is applied. In re King, 801 F.2d, 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986). Thus, there must be no difference between the subject matter of the claim and the disclosure of the prior art reference. Stated another way, the reference must contain within its four corners adequate direction to practice the invention as claimed. The corollary of the rule is equally applicable:

Absence from the applied reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 1571, 230 USPQ 81, 84 (Fed. Cir. 1986).

Applicants respectfully submit that the applied prior art reference does not anticipate the claims of the present application. Specifically, Benaissa et al. does not disclose a varactor structure in which each of the outer well regions *has an upper surface which includes a source/drain region*. In the claimed structure, such outer well regions are located next to a single inner well region that also includes source/drain regions. Benaissa et al. discloses a varactor structure such as shown in FIG. 4. In accordance with the disclosure of Benaissa et al. only the inner well region 210 includes source/drain regions 230. No source/drain regions are located in the outer well regions that are adjacent to the inner well region. Applicants find no disclosure in the applied reference which mentions the formation of source/drain regions within the outer well regions, as is presently recited in the claimed structures.

The foregoing remarks clearly demonstrate that the applied reference does not teach each and every aspect of the claimed invention, as required by King and Kloster Speedsteel; therefore the claims of the present application are not anticipated by the disclosures of Benaissa et al. Applicants respectfully submit that the instant § 102 rejection has been obviated and withdrawal thereof is respectfully requested.

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Szivos', with a long horizontal flourish extending to the right.

Leslie S. Szivos, Ph. D.
Registration No. 39,394

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza - Suite 300
Garden City, New York 11530
(516) 742-4343

Customer No. 23389

LSS:tam